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SECRETARIAT
OF
THE ODISHA LEGISLATIVE ASSEMBLY
NOTIFICATION

The 6th April, 2019

No.2175 /L.A.– The following decision, dated the 6th April, 2019 of the Speaker, Odisha Legislative Assembly given under paragraph 6 of the Tenth Schedule to the Constitution of India is hereby notified and published for general information:-

**DECISION OF THE SPEAKER, ODISHA LEGISLATIVE ASSEMBLY UNDER
PARAGRAPH 6 OF THE TENTH SCHEDULE TO THE CONSTITUTION OF INDIA**

Shri Amar Prasad Satpathy, Hon'ble Government Chief Whip made a petition on 23.03.2019 under Rule 6 of the Members of Odisha Legislative Assembly (Disqualification on ground of defection) Rules, 1987 framed under paragraph 8 of the Tenth schedule to the Constitution of India praying that Shri Sukanta Kumar Nayak a Member of the Odisha Legislative Assembly has become subject to disqualification as per the provision contained in paragraph 2(1)(a) of the Tenth schedule to the Constitution of India as he has voluntarily given up primary membership from BJD Party in which ticket he was elected to the Odisha Legislative Assembly.

On consideration of the petition I found that the petition complies with the requirement of Rule-6 of the Members of Odisha Legislative Assembly (Disqualification on ground of defection) Rules, 1987 and accordingly the copies of the petition and Annexure thereto were forwarded to Shri Sukanta Kumar Nayak, MLA under Rule 7(3)(a) of the above Rules.

Shri Sukanta Kumar Nayak, MLA submitted his comments on the petition in which inter alia he admitted that he had submitted resignation from the primary membership of

BJD from 15th March, 2019. Thereafter he was asked to appear before me at 3.00 PM on 06.04.2019 for personal hearing. Instead of appearing before me he requested for extension of time for one month for personal hearing. As Shri Sukanta Kumar Nayak, MLA in his written comments has admitted about his resignation from the primary membership of BJD, I do not consider it worthwhile to allow him extension of time for personal hearing. Taking into account the admittance of Shri Sukanta Kumar Nayak, MLA about his resignation from the primary membership of BJD in his written comments, I hold that he has voluntarily given up membership of BJD party which attracts the rigour of disqualification on ground of defection contained in Paragraph 2(1)(a) of the Tenth schedule to the Constitution of India. Therefore in exercise of powers conferred upon me under paragraph 6(1) of the Tenth schedule to the Constitution of India. I, hereby decide, declare and order as follows: -

ORDER

In exercise of powers conferred upon me under paragraph 6(1) of the Tenth Schedule to the Constitution of India. I Pradip Kumar Amat, Speaker, Odisha Legislative Assembly hereby declare that Shri Sukanta Kumar Nayak, an elected member of the Odisha Legislative Assembly from 40-Nilgiri Assembly Constituency, has incurred disqualification in terms of paragraph 2(1)(a) of the said schedule for being a member of Odisha Legislative Assembly. Accordingly, Shri Sukanta Kumar Nayak has ceased to be a Member of the Odisha Legislative Assembly with immediate effect and his seat in the Odisha Legislative Assembly shall thereupon fall vacant.

PRADIP KUMAR AMAT

SPEAKER

Dated 6.4.2019

SISIRKANTA SWAIN

SECRETARY-IN-CHARGE

ODISHA LEGISLATIVE ASSEMBLY